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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY, AN
ARIZONA CORPORATION, TO EXTEND
ITS EXISTING CERTIFICATES OF
CONVENIENCE AND NECESSITY AT
CASA GRANDE AND COOLIDGE, PINAL
COUNTY, ARIZONA

DOCKET NO. W-01445A-04-0755

IN THE MATTER OF THE APPLICATION
OF WOODRUFF WATER COMPANY,
INC. FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE WATER SERVICE IN PINAL
COUNTY, ARIZONA

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF WOODRUFF
UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER
SERVICE IN PINAL COUNTY, ARIZONA

DOCKET NO. SW-04265A-04-0439

MOTION FOR PROCEDURAL ORDER
CONCERNING PREFILED TESTIMONY

ARIZONA WATER COMPANY, an Arizona corporation (the "Company"), through its undersigned counsel, files a Motion for a Procedural Order to direct the parties to this matter to file prepared direct and rebuttal testimony and exhibits before any evidentiary hearing is held in this matter. The following Memorandum of Points and Authorities supports the Company's Motion.

1 other related issues will likely involve a hearing that is more complex and extended than
2 the normal hearing involved in a routine application for a new or expanded certificate.

3 For these reasons, the Company submits that prefiled direct and rebuttal
4 testimony and exhibits will aid the Commission in considering the evidence and
5 reaching a decision in this case. As in other complex cases, such as rate cases, the
6 use of prefiled testimony and exhibits will allow for more efficient hearings by, among
7 other things, expediting the presentation of routine matters and permitting the parties
8 and the administrative law judge to focus on and consider the important issues that this
9 case will involve. In addition, it is reasonable to expect that the Company and Woodruff,
10 and perhaps the Staff, will have multiple witnesses and numerous exhibits to present for
11 the Commission's consideration. The presentation of this larger-than-normal evidentiary
12 record is an additional important reason that this case will be handled more efficiently by
13 the use of prefiled testimony and exhibits.
14

15 CONCLUSION

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19 The Company believes, and therefore submits, as detailed above, that this
20 case would be processed most efficiently through the use of prefiled testimony and
21 exhibits by all parties. The Commission entering an order for such at this point in the
22 proceedings will prejudice no party, as a new procedural schedule has not been set and
23 hearings have yet to be scheduled. The Company, therefore, moves the Commission to
24 enter an order directing all parties to prefile prepared direct and rebuttal testimony and
25 exhibits, and to establish a reasonable procedural schedule at the same time.
26
27
28

1 RESPECTFULLY SUBMITTED this 24th day of JANUARY, 2005.

2 ARIZONA WATER COMPANY

3
4 By: Robert W. Geake

5 Robert W. Geake
6 Vice President and General Counsel
7 ARIZONA WATER COMPANY
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15 Attorneys for
16 Arizona Water Company

17 Original and seventeen (17) copies of the foregoing filed the 24th day of JANUARY, 2005
18 with:

19 Docket Control Division
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 A copy of the foregoing was mailed this 24th day of JANUARY, 2005 to:

24 Marc E. Stern, Esq.
25 Administrative Law Judge
26 Hearing Division
27 Arizona Corporation Commission
28 1200 West Washington
Phoenix, AZ 85007

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION) DOCKET NO. W-01445A-04-0755
OF ARIZONA WATER COMPANY, AN)
ARIZONA CORPORATION, TO EXTEND)
ITS EXISTING CERTIFICATES OF)
CONVENIENCE AND NECESSITY AT)
CASA GRANDE AND COOLIDGE, PINAL)
COUNTY, ARIZONA)

IN THE MATTER OF THE APPLICATION) DOCKET NO. W-04264A-04-0438
OF WOODRUFF WATER COMPANY,)
INC. FOR A CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO)
PROVIDE WATER SERVICE IN PINAL)
COUNTY, ARIZONA)

IN THE MATTER OF WOODRUFF) DOCKET NO. SW-04265A-04-0439
UTILITY COMPANY, INC. FOR A)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO PROVIDE SEWER)
SERVICE IN PINAL COUNTY, ARIZONA)

**MOTION FOR PROCEDURAL ORDER
CONCERNING PREFILED TESTIMONY**

ARIZONA WATER COMPANY, an Arizona corporation (the "Company"), through
its undersigned counsel, files a Motion for a Procedural Order to direct the parties to this
matter to file prepared direct and rebuttal testimony and exhibits before any evidentiary
hearing is held in this matter. The following Memorandum of Points and Authorities
supports the Company's Motion.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 The Commission has entered four (4) procedural orders in this matter which,
4 among other things, granted Staff's Motion to Extend and vacate the procedural
5 schedule established by the October 14, 2004 procedural order to allow additional time
6 for Staff's review and consideration of the now-consolidated pending applications of the
7 Company and Woodruff Water Company, Inc. ("Woodruff"). By procedural order of
8 November 10, 2004 Staff's Motion to Extend was granted until Staff issues a letter of
9 administrative completeness to the Company at which time the procedural time frame
10 for this case will be restarted.
11

12 Staff issued its letter of administrative completeness to the Company on January
13 20, 2005. Under the terms of the November 10, 2004 procedural order, the parties may
14 reasonably expect that the Commission will now enter a fifth (5th) procedural order
15 establishing a new time frame for processing this case, including a date for hearing.
16 The Company's Motion is thus timely filed at this time because the Commission will
17 likely enter the fifth (5th) procedural order soon, perhaps as early as the middle of this
18 week.
19

20 As the Staff Motion to Extend recognized, the consolidated applications filed by
21 the Company and Woodruff in this case raise issues that are more complex and
22 numerous than those that are raised in a standard application for a new or expanded
23 certificate of convenience and necessity. Important, and possibly precedent setting
24 issues concerning the public interest, the fitness of competing utilities to serve particular
25 geographic areas, current and future water service plans and their impact on current
26 and future customers are some of the issues that the parties may present, and the
27 Commission may consider, in this case. The presentation of evidence on these and
28

1 other related issues will likely involve a hearing that is more complex and extended than
2 the normal hearing involved in a routine application for a new or expanded certificate.

3 For these reasons, the Company submits that prefiled direct and rebuttal
4 testimony and exhibits will aid the Commission in considering the evidence and
5 reaching a decision in this case. As in other complex cases, such as rate cases, the
6 use of prefiled testimony and exhibits will allow for more efficient hearings by, among
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15 16 17 CONCLUSION

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21 exhibits by all parties. The Commission entering an order for such at this point in the
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1 RESPECTFULLY SUBMITTED this 24th day of JANUARY, 2005.

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